

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR										YR.	NUMBER
1085/4	75	0340	07	25	75	4	190	1	21			58	8509	D P	75	0340-B

PLAINTIFFS

DEFENDANTS

CORY FOOD SERVICES, INC.

DELMAR D. FARTHING

CAUSE

28 U.S.C. Sec. 1332, diversity action for breach of contract, unfair trade practices.

ATTORNEYS

Sam G. Bratton  
Doerner, Stuart, Saunders,  
Daniel & Langenkamp  
1200 Atlas Life Building  
Tulsa, Ok 74103

Steven Milligan  
James L. Edgar  
Suite 423 Skyline East  
6111 East Skelly Drive  
Tulsa, Oklahoma 74135  
664-7020

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HERE  
IF CASE WAS  
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C.D. NUMBER

STATISTICAL CARDS

CARD

JS-5

JS-6

DATE MAILED

8-1-75

12-1-75

DATE	NR.	PROCEEDINGS
7-25-75	1.	Complaint, filed. Summons issued. b
7-25-75	2.	Application for appoint. of Ed Cape As Spec. Agent for purpose of service of summons herein, filed. b 0 to J
7-28-75	3	Order, filed, granting appl. to appoint Ed Cape as Special agent for purpose of service of summons, filed. (AEB-J)k cps mld
8-7-75	4	Pltf's appl. for early setting of hrg. re preliminary inj., filed.k <sup>0 to</sup>
8-8-75		Ret. on summons, served Delmar Farthing on 8-4-75 at Tulsa, OK by sp. agent Cape, filed.k
8-19-75	5.	Defendants' Motion for Enlargement of Time within which to Plead or Answer, filed. mm (0 to J)
8-19-75	6.	Order allowing Deft. until Sept. 19, 1975, to answer or otherwise plead, filed. (AEB-J)b cps mld
8-27-75	7	Order, filed, granting pltf's appl. for hrg. & setting hearing on temporary injunction on 9-3-75 at 10:00 a.m. Order to be served by USM on or before 8-29-75. (AEB-J)k cps by 11
9-3-75		Case called for hearing on temporary injunction. Pltf's attorneys present. Hearing passed to 9-11-75, at 11:00 A.M. (AEB-J)b
9-3-75	MO:	Ordered by the Court that Answer to complaint & Counter-claim be filed by 9-5-75. Answer to counterclaim due 9-10-75. Pre-trial set on 9-22-75, at 10:00 A.M. List of witnesses, exhibits marked, trial briefs, etc filed by 9-23-75. Trial on the merits set on 9-24-75, at 10:00 A.M. (AEB-J)b ltr mld
9-4-75	8.	Defendant's Demand for Jury Trial, filed. mm
9-8-75	9.	<u>Answer of def. and cross-claim</u> , filed. rm
9-9-75	10.	Pltf's Answer to Counterclaim, filed. lm
9-11-75		Case called for hearing on temporary injunction. Parties present & represented. Hearing passed to 9-12-75, at 10:30 A.M. (AEB-J)b
9-11-75	11.	Deft's Response to Pltf's motion for temporary injunction, filed. b
9-12-75	MO:	It is ordered, pursuant to Rule 65(a)(2) that the case is stricken from the hearing on preliminary injunction set September 12 & accelerated and consolidated for hearing on the preliminary injunction and merits sua sponte by the Court. The case has previously been set for trial on September 24, 1975, at 10:00 A.M. and that date remains effective. (AEB-J)b ltrs mld
9-12-75	12.	Order consolidating for the purpose of trial case 75-C-340 with 75-C-339, filed. (AEB-J)b cps mld
9-19-75	13.	Motion for Judgment on the Pleading of the defendant, filed. mm
9-19-75	14.	Defendant's Brief in Support of Defendant's Motion for Judgment on the Pleadings, filed. mm
9-19-75		MO: Ordered by the Ct. that the plaintiff file a responsive brief within 10 days to the Motion for Judgment on the Pleading of the defendant. (AEB-J) mm cps mld
9-22-75	15.	Deft's / Mtn. for Prod. of Documents, filed. jj
9-22-75		Deposition of <u>Forrestine Farthing</u> , taken on behalf of the Pltf. on 9-19-75 before Evelyn E. Rutherford, CSR W/fees of \$133.50 pd by pltf filed. mm
9-22-75		Deposition of <u>Delmar D. Farthing</u> , taken on behalf of the pltf. on 9-19-75 before Evelyn Rutherford, CSR W/fees of \$75.00 pd by the pltf., filed. mm
9-23-75	16.	Pltf's Trial Brief, filed. jj
9-23-75	17.	Deft.'s trial brief, filed. v

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Cory Food Services		Delmar D. Farthing	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
9-24-75		Case called for hearing on preliminary injunction. Pltf. represented. Deft. represented. Order of Severance signed & filed in open court. Stipulation of Facts filed in open Court. Motion to produce documents granted. Order to Dismiss w/out prejudice to be filed w/in 3 days. Motion for judgment on pleadings overruled. Deft. objects. Pltf. to file order in 3 days. Motion for production of documents moot. Delmar Farthing called as adverse witness by pltf. sworn & testifies. Donald Vories, F. Farthing sworn & testify. Deft. makes motion for Dismissal, motion overruled. Ct. sustains Pltf. motion for preliminary injunction. Pltf to prepare order. Deft. gives notice of appeal. Court sets supersedeas bond at \$50,000 to be filed in 10 days, otherwise injunction will not be stayed. (AEB-J)b	
9-24-75	18.	Order of Severance signed & filed in open court. (AEB-J)b	
9-24-75	19.	Stipulation of Facts, filed. b	
9-24-75		Pltf's exhibits filed. b	
9-24-75		Deft's exhibit filed. b	
9-24-75		Reporter's Transcript of proceedings had on 9-24-75, filed. b	
9-25-75	20.	Notice of appeal by def. from oral order of permanent injunction entered by the Court on 9/24/75, filed. rm (copy to USCA)	
9-30-75	21.	Dismissal of Plaintiff w/o prejudice, filed and entered. v <i>as to damages</i>	
10-2-75	22.	Designation of record on appeal, filed. rm	
10-3-75	23.	Certified copy of Order from 10th Circuit denying appellants' motion for stay of injunction pending appeal, filed. rm	
10-6-75	24.	Dismissal, filed, <i>and entered</i> whereby defts. Forrestine Farthing and Delmar D. Farthing voluntarily dismiss their counterclaim for damages against the plaintiff without prejudice. mm	
10-7-75	25.	Counter Designation of Record on Appeal of the Plaintiff, filed. mm	
10-29	26.	Motion of pltf. to settle order, filed. rm	
10-29	27.	Memorandum, filed and entered. (AEB-J)rm	
10-29	28.	Order of permanent injunction, filed and entered. (AEB-J)rm	
10-31	29.	Appl. of Pltf for Contempt Citation, filed. jj 0 to J	
11-3-75	30.	Mtn. of Deft. for Ext. of Time to Complete Record on Appeal, filed. jj 0 to J	
11-3-75	31.	Order directing deft. to appear & show cause on 11-11-75, 10:00 A.M. (AEB-J)b nts mld	
11-4-75		Appeal record sent to USCA. g	
11-5-	32.	Certificate of Mailing, filed. lm	
11-6	33.	Notice to take depositions of sundry witnesses, filed. v	
11-7		USM service of Order to show cause, ret. & filed: served Forrestine Farthing and Delmar Farthing, Tulsa, Ok. on 11-6-75. (USM \$6.96)g	
11-11	34.	Motion by defts. for disqualification & brief, w/Affidavit, filed. ph	
11-11	MO	Case called for hrg. on show cause order. Parties present. State-ments made. Deft.'s motion to disqualify is overruled. Court takes evidence. Pltf.'s witnesses sworn & testify. Court orders appearance of Mr. Cash & Mr. Parker. Witnesses and Deft. recognized back for	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-340</u>
Cory Food Services, Inc.		Delmar D. Farthing	PAGE <u>4</u> OF <u>2</u> <del>sheets</del> <del>pages</del>
DATE	NR.	PROCEEDINGS	
11-11 1975		contd	
11-11		continued hrg. on 11-24-75 at 11:00 a.m. Court ordered machines to to be removed before hrg. (AEB-J)k notice of hrg by cert mail	
11-13	35.	Notice to take deposition, filed. hm	
11-17	36.	Order overruling motion for disqualification, filed. (AEB-J)hm (copies mailed)	
11-18	37.	Bond for costs on appeal (\$250 cash), filed. rm	
11-19	38.	Deft. Mot for extension of time in which to comply with order, filed. to	
11-24	MO:	Ordered by the Court that Deft's motion for extension of time to comply with order is denied.(AEB-J)b	
11-24		Case called for continued hearing on order to show cause. Deft. present & represented. Pltf. represented. Rule invoked & Pltf's witnesses sworn & testify. Court finds Deft. in civil contempt of Court & Deft. is sentenced to the custody of the Atty. Gen. for period of thirty-five (35) days. Deft. remanded to custody of USM. Court will consider/release if Order of Court is complied to.(AEB-J)b	
11-24		Pltf's exhibits 2,3,4,5 & 6 filed.(#2 in exhibit room) b	
11-24	39.	Order Adjudging that Delmar Farthing is hereby committed to custody of Attorney General for period of thirty-five (35) days, or for a lessor period, when Court has been convinced that its order has been obeyed, filed.(AEB-J)b cps mld.	
11-24		Two c/c of Order of Commitment to USM. b	
11-28	40	Pltf.'s Appl. for ext. of time of 5 days until Dec. 4, to file bill of costs, filed. tc 0-3	
11-28	41	Pltf.'s Appl. to remove exhibits, filed. tc 0-3	
11-28		Appearance Bond of Delmar D. Farthing in the amount of \$5,000, OR Bond, with order specifying methods & conditions of release, filed. ph	
12-3	42	Pltf's mot. to assess costs and Bill of Costs, filed.k	
12-5	43	Order, filed, that Pltf. is allowed to w/draw Pltf.'s Exh. 2, a Cory Coffee Machine, and Pltf.'s Exhibits 5 & 6, being documentary evidence, from records of the Court. (AEB-J)v -cps mld.	
12-5	44	Order, filed, granting Pltf. until 12-4-75 to file its Bill of Costs. (AEB-J)v -cps. mld.	
12-9		Order of 11-24 (commitment) ret. & filed: deft. Delmar D. Farthing delivered to Tulsa County Jail on 11-24-75.g	
12-17	45	Order, filed, approving pltf. bill of costs and assessing costs in the amt. of \$3,715.66 against defs. (AEB-J)rm - copies mailed	
1-19	46	Deft's supplemental notice of appeal, filed.k	
1-19	47.	Affid. of Sam G. Bratton II as to costs in said case, filed. ph	
1-20		Supplemental appeal record (1 vol) sent to USCA. rm	
1-29	48.	Ordered that Delmar D. Farthing & Forrestine Farthing are to appear in person before said Court on the 10th day of February @10:00a.m. to ans. regarding your ability to respond to the judg.(AEB-J)t cps. to U.S.M. & Attys.	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Cory Food Services		Delmar D. Farthing	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1-30-76		USM service of Order to appear and answer as to assets, ret. & filed: served Forrestine Farthing 1-29-76. (USM \$4.44)g Served Delmar D. Farthing 1-29-76. (USM \$3.00)g	
2-10		Case called for hearing on order directing D. Farthing to appear & answer regarding ability to respond to Judgment. Parties present. Deft. placed under oath & parties retire to conference room for hearing & are to report back to Court.(AEB-J)b	
2-10		MO: It is ordered that the hearing scheduled for 2-10-76, is continued to Feb. 23, 1976, at 10:00 A.M. & parties are recognized back.(AEB-J)b ltrs mld 2-11-76	
2-23		Case called for continued hearing on order directing Deft. to appear & answer re: ability to respond to Judgment. Pltf. appears & announces they wish to have case stricken from docket, as they have acquired info requested. Ct. strikes hearing.(AEB-J)b	
3-16	49.	Garnishment Affidavit, filed. lm	
3-16	50.	Garnishment Affidavit, filed. lm	
3-16	51.	Garnishment Affidavit, filed. lm	
3-16	52.	Garnishment Affidavit, filed. lm	
3-16		Garnishment Summons issued to defendant. lm	
3-18	53.	Garnishment Summons, ret. & filed: served Stuffy's Executive Coffee Service and City Bank & Trust Co., Tulsa, on 3-17-76. (City Bank & Trust shows balance in checking account of Farthings) rm	
3-18	54.	Pltf's interrogs, filed. ph	
3-19	55.	Garnishhee answer, filed. (City Bank & Trust shows balance in checking account of Farthings) rm	
3-24	56.	Dismissal og garnishment action as to Stuffy's Executive Coffee Service only, filed.jj	
4-8		Depo of Charles D. Cash, taken before me, Paul M. Potts CSR on Nov. 19, 1975,filed. Fees to be pd by Atty for the Pltf. \$162.00.t	
4-19	57	Deft's Ans. to Pltf's. Interrog.,filed.t	
6-4	58.	Release and waiver of money judgment, filed. ph	
6-14-76	59.	Certified copy of Order of Dismissal from 10th Circuit, filed and spread of record, that upon stipulation for dismissal, appeal is dismissed, each party to bear their own costs on appeal. rm	
6-14-76		Original record on appeal received from USCA. rm	
4-26-82	60	APPLIC for order of disbursment of appeal bond.(0 as part of applic & to J)a	
4-27	--	ORDER that deft's \$250.00 appeal bond be disbursed to James L. Edgar atty for deft.(HDC-J)jc(c/Edgar)	

## PLAINTIFF

DOCKET NO. \_\_\_\_\_

PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

DATE

NR.

## PROCEEDINGS